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## LAW MAN

# *The Secrets of Leonard Leo, the Man Behind Trump's Supreme Court Pick*

A Catholic fundamentalist who controls a network of right-wing groups funded by dark money has put three justices on the court. He's about to get a fourth.



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Photo Illustration by Lyne Lucien/The Daily Beast

When President Donald Trump nominates a justice to the Supreme Court on Monday night, he will be carrying out the agenda of a small, secretive network of extremely conservative Catholic activists already responsible for placing three justices (Alito, Roberts, and Gorsuch) on the high court.

And yet few people know who they are—until now.

At the center of the network is Leonard Leo of the Federalist Society, the association of legal professionals that has been the pipeline for nearly all of Trump's judicial nominees. (Leo is on leave from the Federalist Society to personally assist Trump in picking a replacement for Justice

Anthony Kennedy.) His formal title is executive vice president, but that role belies Leo's influence.

Directly or through surrogates, he has placed dozens of life-tenure judges on the federal bench; effectively controls the Judicial Crisis Network, which led the opposition to President Obama's high court nominee, Judge Merrick Garland; he heavily influences the Becket Fund law firm that represented Hobby Lobby in its successful challenge of contraception; and now supervises admissions and hires at the George Mason Law School, newly renamed in memory of Justice Antonin Scalia.

"Leonard Leo was a visionary," said Tom Carter, who served as Leo's media relations director when he was chairman of the U.S. Commission on International Religious Freedom (USCIRF), in an exclusive interview with The Daily Beast. "He figured out twenty years ago that conservatives had lost the culture war. Abortion, gay rights, contraception—conservatives didn't have a chance if public opinion prevailed. So they needed to stack the courts."

Amazingly, said Carter, Leo has succeeded in this mission with few people taking notice.

"The Christian right has been written about a lot, but hardly anyone talks about the Catholic right," Carter said. "Four Supreme Court justices—they're more successful than anybody: the NRA, the Israel lobby, Big Pharma, no one else has had that kind of impact."

## Catholic Fundamentalist

Leo is a member of the secretive, extremely conservative Knights of Malta, a Catholic order founded in the 12th century that functions as a [quasi-independent sovereign nation](#) with its own diplomatic corps (separate from the Vatican), United Nations status, and a tremendous amount of money and land.

The Knights, which recently have [tussled with Pope Francis](#) and resisted his calls for reform, take their own set of vows, as monks do. On the surface, the primary work of the order is humanitarian work around the globe, but it is also home to noted Catholic conservatives including Cardinal Raymond Leo Burke, a frequent foe of the reformist pope.

“Leonard’s faith is paramount to him,” Carter said. “When he traveled, staff members had to find him a church near where he was staying so he could say [attend] Mass every day.”

To be sure, none of this is to repeat the odious claims of anti-Catholicism of papist conspiracies and dual loyalty. But Leo has spent a career shaping the federal judiciary to reflect rigid, conservative religious dogmas.

Those include the notions that human life begins at conception and that homosexuality is immoral. The reason is that the moral “[natural law](#)” is as part of the fabric of the universe as the laws of nature, and it trumps any secular law that humans (or legislatures) might dream up. As developed by St. Thomas Aquinas and a [millennium of subsequent philosophers](#), everything has its “natural” function and its “unnatural” misuse. Food is for nourishment, not gustatory delight; sex is for procreation, not pleasure; sensual enjoyment is *luxuria*, a sinful diversion of pleasure from its intended purpose of reproduction.

*“He figured out twenty years ago that conservatives had lost the culture war. So they needed to stack the courts.”*

— Tom Carter

Moreover, men and women are “complementary” to one another; heterosexual marriage is part of the structure of the universe. Thus the Catholic [catechism](#) teaches that “homosexual acts are intrinsically disordered. They are contrary to the natural law. They close the sexual act to the gift of life.” And life begins at conception, making abortion and even contraception acts of murder. And since God has decided all of

these facts, individuals have no rights (secular or religious) to decide them for themselves.

Leo's religious beliefs have also occasionally manifested as bias against other faiths. When he was chairman of U.S. Commission on International Religious Freedom (he was appointed by President Bush in 2007), Leo fended off a [discrimination lawsuit](#) brought by a Muslim former employee who says she was fired because of her faith. Several USCIRF employees [resigned](#) over the controversy and Leo was fired not long thereafter.

In 2011, Leo played a leading role in successfully opposing an Islamic center near the site of the 9/11 attacks in New York that was maligned by the right as the "Ground Zero Mosque" (it wasn't a mosque and was several blocks from Ground Zero). Leo was the [director of Liberty Central](#), a Tea Party affiliated group he co-founded with Ginni Thomas, wife of Clarence Thomas, that organized a petition against the center.

## Three Justices and Counting

Leo is most closely associated with the Federalist Society, which he joined in the 1990s. Sometimes thought of as a legal association, the Federalist Society is actually a large right-wing network that grooms conservative law students still in law school (sponsoring everything from free burrito lunches to conferences, speakers, and journals), links them together, mentors them, finds them jobs, and eventually places them in courts and in government. It's like a large-scale fraternity, knitted

together by ideological conformity. (The Federalist Society did not respond to The Daily Beast's request for comment.)

The Federalist Society network is now estimated to include over 70,000 people. In 2016, they [reported](#) \$25 million in net assets.

Leo played the decisive role in the appointments of Justice Alito (whom few people had heard of before Leo first promoted him), Chief Justice Roberts, and Justice Gorsuch—as well as in the unprecedented stonewalling of would-be Justice Merrick Garland.

Now, of the 25 people on Trump's Supreme Court list, all but one are Federalist Society members or affiliates. Justice Gorsuch [was the speaker](#) at the 2017 Federalist Society gala. And when Gorsuch was asked how he had come to Trump's attention, he told Congress, "On about December 2, 2016, I was contacted by Leonard Leo"



Leonard Leo welcomes Justice Neil Gorsuch for a speech at the Federalist Society in Washington, D.C.

Sait Serkan Gurbuz/AP

And of the 18 people Trump has nominated to federal appeals courts, 17 [are](#) Federalist Society members or affiliates.

These include appellate court Judge Amy Coney Barrett, a leading Supreme Court contender and member of a far-right Catholic sect called the People of Praise that makes use of actual “handmaids” (now called “women leaders”); John Bush, who compared abortion to slavery, promoted the birther conspiracy, and then [lied to the Senate](#) about doing so; [Thomas Farr](#), whom the Congressional Black Caucus described as “the preeminent attorney for North Carolina Republicans seeking to curtail the voting rights of people of color” ([PDF](#)); and Jeff Mateer, who [said](#) in a speech that parents suing on behalf of their transgender



children “really shows you how Satan’s plan is working and the destruction that’s going on.”

Indeed, while the Trump list was initially credited to John Malcolm at the Heritage Foundation, Carter said that this was just another tactic of obfuscation: “a way of saying it’s Heritage’s list and not Federalist Society’s list.”

Ironically, while trying to downplay the Federalist Society’s influence, White House counsel Don McGahn, the point man on judicial nominees, managed to confirm it.

“Our opponents of judicial nominees frequently claim the president has outsourced his selection of judges,” McGahn [said](#) at a Federalist Society event last year. “That is completely false. I’ve been a member of the Federalist Society since law school, still am, so frankly it seems like it’s been in-sourced.”

In addition to creating a vast network that serves as a counterpoint to the mainstream legal world, the Federalist Society has mainstreamed ideas that were once considered intellectual outliers: that most of the New Deal and administrative state are unconstitutional, that corporations have free speech and free religion rights, that women and LGBT people are not “protected classes” under constitutional law, and that there is no

right to privacy implied by the due process clause of the Constitution (i.e., banning abortion, contraception, and gay marriage are entirely constitutional).

Two decades ago, hardly anyone in the legal academy took these ideas seriously. Now, they are litmus tests for conservative judges.

### **‘Very Good at Staying in the Shadows’**

But the Federalist Society is only one arm of Leo's network. Another is the Judicial Crisis Network, founded in 2009 during the Bush 43 administration as the [Judicial Confirmation Network](#), with the aim of pushing through Bush's conservative judicial nominees.

Rebranded as the Judicial Crisis Network under Obama, JCN then led the effort to stonewall Obama's nominees, with unprecedented success. It wasn't just torpedoing the nomination of Garland—although he was surely JCN's greatest victory. In the last two years of the Obama presidency, the GOP-led Senate [confirmed only 38 percent as many judges](#) as the Democratic Senate did under the last two years of President George W. Bush.

JCN is headed by Leo protégé Carrie Severino, a former clerk to Justice Thomas and the wife of Roger Severino, now heading the HHS office charged with [helping health-care providers discriminate against women and LGBT people](#). Like Leonard Leo and Amy Coney Barrett, the Severinos are extremely devout, extremely conservative Catholics.

But, Carter says, despite whatever legal separations exist between JCN and the Federalist Society, “JCN is absolutely Leonard’s group. Carrie was working out of the Federalist Society office. Federalist Society staff babysat her kids as the JCN project was launched... The JCN is Leonard Leo’s PR organization—nothing more and nothing less.”



The United States Supreme Court, Washington, D.C.

Andy Hurvitz/Getty

JCN is also a “social welfare” 501(c)(4) organization, meaning its records are largely hidden from public view, and it utilizes that status to raise and spend dark money in a variety of ways.

For example, JCN has [spent millions of dollars](#) on local judicial and attorney general races across the country—\$2 million in Michigan alone ([PDF](#))—and on influencing state legislatures to pass socially conservative and pro-business libertarian legislation. [A 2015 investigative report by The Daily Beast](#) revealed how JCN’s intervention swung judicial elections in Wisconsin, Michigan, and California. JCN also is one of the [top three funders](#) of the Republican Attorney General Association, which, among other things, helped Scott Pruitt rise to national prominence by suing the EPA, which he went on to lead. It even [donated \\$1 million to the NRA](#).

After reports that JCN spent \$17 million to defeat Garland and promote Gorsuch, Sen. Sheldon Whitehouse [asked Gorsuch about its work at the justice’s confirmation hearing](#). “There’s a small group of billionaires who are working very hard to influence and even to control our democracy,” Whitehouse said. “They set up an array of benign sounding front groups to both organize and conceal their manipulations of our politics.”

Effectively, the Federalist Society creates the pool of conservative judges and its offshoot JCN promotes them for appointment or election. And Leonard Leo effectively manages both organizations, which work out of the same office and are funded by the money he raises.

“Leonard is very good at staying in the shadows,” Carter continued. “Getting stuff done without having it traced back to him, leaving no fingerprints.”

## **Hand Behind Hobby Lobby**

The Becket Fund gained national fame for being the lawyers of Hobby Lobby, the evangelical-owned crafts chain who won a religious exemption from the Affordable Care Act's requirement that qualified health plans include contraception coverage.

Named for Catholic martyr Thomas Becket, it is run mostly by far-right Catholics and places Catholic concerns at the center of its work.

“When I was there,” Carter told The Daily Beast, “the halls at the Becket Fund were lined with anti-Catholic cartoons from the 1880s and 1890s... I was told that the philosophy is ‘we protect everybody, because if we don’t stop [liberals], they’ll be at our door next.’”

Carter noted that “At Becket, everything has precedent for Catholics eventually. Hobby Lobby were evangelicals, but the issue was contraception.” (Indeed, abortion and contraception were [of little concern to conservative Protestants](#) throughout most of the 20th century; they were seen as “Catholic issues.” It was only with the creation of the New Christian Right in the 1970s—[itself a response to the forced desegregation of schools](#)—that they became of concern to conservative Protestants.)

As for Leonard Leo, “Becket was saved at least two times by Leonard Leo before Hobby Lobby,” said Carter. “It was either Federalist Society money or fundraising. Only Leo could raise that kind of money.”

## **Bought His Own Law School**

Finally, thanks to a huge \$30 million donation made in 2016, Leonard Leo is the most powerful individual at the newly renamed Antonin Scalia School of Law, formerly the George Mason University School of Law.

When the donation was made, all that was stated publicly is that \$10 million came from the Koch brothers and \$20 million from an anonymous donor brought to the law school by Leonard Leo. This was an [obfuscation](#). Since then, however, it has emerged that the \$20 million came from a shell corporation called the BH Fund, of which Leo is president.

In other words, it was money that Leo raised (from a still-unknown source, hiding behind the shell corporation) and donated himself.

Indeed, it was [revealed in May 2018](#)—thanks to Freedom of Information Act requests filed by a GMU Law alum—that the law school regularly consults with Leo on developing programs, hiring faculty, admitting prospective students, and placing students in federal clerkships.

The documents released as part of the FOIA request [show](#) Leo intervening multiple times on behalf of conservative student and faculty candidates, and promoting curricula on “Law and Economics,” which predominantly favors conservative legal positions by evaluating issues in terms of financial efficiency rather than justice.



George Mason University Law School, Arlington, Virginia.

B. Christopher/Alamy

All of this is in [clear violation of academic standards](#) of independence. GMU Faculty Senate Chair Keith Renshaw said at a GMU board meeting on May 3 that “the faculty is deeply disturbed by the recent revelations of these gift agreements... In no instance should a philanthropic donor to a university have any influence over academics. That includes curriculum, faculty hiring, faculty firing, and faculty or student research and scholarship. The ideology driving the influence is not what matters. Academic independence, academic freedom and academic integrity are what matter.”



But the arrangement makes perfect sense in the context of Leo's octopus of organizations and influence. Rather than merely grooming conservative law students at schools across the country, now Leo has a law school of his own.

## Secret Money Funds It All

Who is paying for all this work? Behind Leo stands a network of dark-money funders in both socially conservative and economically conservative arenas.

First among them are Ann and Neil Corkery, and the dark-money group the [Wellspring Committee](#), of which Ann is president and Neil is the [sole board member](#). Wellspring was founded out of the Koch network in 2008, and has funded other Koch groups like Americans for Prosperity, often in a labyrinthine way that involves [passing millions of dollars from one organization to another](#) to evade accountability.

Wellspring raised \$24 million from 2008-2011, as [revealed](#) by the Center for Responsive Politics and distributed over \$17 million, largely to other shell organizations. Yet because it is defined by the IRS as a "social welfare" organization, it is impossible to know exactly where the money is coming from or going.

Wellspring received 90 percent of its revenue, [nearly \\$28.5 million](#), from a single anonymous donor in 2016, an [investigation](#) by Robert Maguire at the Center for Responsive Politics. It gave a grant to the Judicial Crisis Network that accounted for 83 percent of the group's total revenue in 2016.

The Corkerys have been [staff members or directors](#) at the extreme-right Catholic League (famous for its boycotts of movies; its leader Bill Donohue [said](#) the group focuses on “public embarrassment of public figures who have earned our wrath.”); the anti-gay [National Organization for Marriage](#) (Neil served as treasurer); and Leo-affiliated organizations like the Becket Fund and the Judicial Crisis Network.

The Corkerys themselves are members of the [extreme, ultraorthodox Catholic sect known as Opus Dei](#), perhaps best known for members' engaging in literal self-flagellation and other body-mortification practices. (According to 1990 interview, Neil introduced Ann to the sect, though he later dropped out and she remained.)

Moreover, Wellspring came into existence largely thanks to the [support of Robin Arkley](#), California's “foreclosure king,” who also funded Leo's work at the Judicial Crisis Network and the Federalist Society. (Subsequent funding has come from the Templeton Foundation and conservative businessman Paul Singer.) In 2011, Corkery fired her fellow

Wellspring board members and replaced them with her daughter and the son of a JCN board member.

“Ann [Corkery] is very good at cultivating relationships and capitalizing on them,” a conservative source [told The Daily Beast](#) in 2015.

The second major dark-money conduit to and through Leo is the “BH Group,” formed in August 2016. (Leo himself [listed the BH Group as his](#) employer on a recent campaign finance filing.) An investigation by Robert Maguire [revealed that](#) the BH Group, another C4 organization, received \$750,000 from Wellspring for “public relations” and another [\\$947,000 from JCN](#).

In other words, Leonard Leo and Leonard Leo paid Leonard Leo.

And what has the BH Group done with the money? It donated \$1 million to the Trump inauguration—a check, in other words, from Leonard Leo, though it was publicly described as anonymous.

“It’s really quite striking,” Maguire told The Daily Beast. “Someone who orchestrated a secret \$1 million contribution to President Trump’s inaugural committee has been given enormous discretion over one of the most important decisions President Trump will ever make, and that

same person is central to orchestrating the funding of two dark money groups that will barrage people in certain parts of the country, promoting whoever is ultimately nominated.”

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— Robert Maguire

One open question is the relationship, if any, between the BH Group and the BH Fund, which, as described above, is the LLC [which donated \\$20 million](#) to the George Mason Law School in exchange for Leo gaining influence in admissions, hiring, and curriculum. These are, apparently,

separate organizations, but they are both controlled by Leonard Leo and have almost identical names.

Maguire told The Daily Beast that no one knows what or who “BH” stands for.

Who is funding Wellspring, the BH Group, and the BH Fund? If you add up the figures, it's at least a \$45 million question (\$24 million at Wellspring, \$1 million at BH Group, \$20 million at BH Fund).

Yet thanks to the opacity of these C4 organizations, we simply do not know.

Other donors to Leo's network of organizations include Koch Industries, the Mercer Family Foundation, the Chamber of Commerce, White House counselor Kellyanne Conway and her husband, as well as Chevron, Google, Microsoft, and Pfizer. Are they behind the unaccounted-for \$45 million? If not, who is?

There's often a misperception that the supposedly apolitical Supreme Court justices keep politicians at arm's length. In fact, Republican politicians dine, drink, and hunt with them all the time (when Dick Cheney accidentally shot a man in the face, he was out hunting with Justice Scalia), with Leo at the table more often than not.

“He’s gotten away with all kinds of things for years, and nobody seems to notice,” Carter told me. And because Leo is shaping institutions with life-tenure members, his impact will be felt for decades to come.

*Correction: This piece previously called People of Praise, People of Prayer. It also mistakenly referred to Carrie Severino as the “husband” of Roger Severino.*

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